REMARKS/ARGUMENTS

This paper is being provided in response to the February 15, 2006 Office Action for the above-referenced application. In this response, Applicant has amended Claims 126, 132, 147, and 153, and added new Claims 177-188 in order to clarify that which Applicant deems to be the claimed invention. Applicant respectfully submits that the newly added claims and the amendments to the claims are all supported by the originally filed application.

The rejection of Claims 121-127, 129-133, 141-148, 150-154, 162-166, 175 and 176 under 35 U.S.C. 103(a) as being unpatentable over Kronenberg, et al., (U.S. Patent Application Publication No. 2004/0030778, hereinafter "Kronenberg") in view of Varga (U.S. Patent No. 6,181,981, hereinafter "Varga") is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 121-127, 129-133, 141-148, 150-154 and 162-166, as amended herein, are patentable over the cited references.

Applicant's Claim 121 recites a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent executing on said first computer system in said industrial network, said first computer system performing at least one of: monitoring or controlling a physical process of said industrial network, said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection. Claims 122-127, 129-133, 141, 163, 164, and 175 depend from Claim 121.

Applicant's Claim 142 recites a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent

executing on said first computer system in said industrial network, said first computer system performing at least one of: monitoring or controlling a physical process of said industrial network, said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection. Claims 143-148, 150-154, 162, 165, 166, and 176 depend from Claim 142.

Kronenberg discloses a data processing system with an RMS server 104, and a CAS server 106 located at NOS 102. RMS server 104 may monitor the status of the RMS server at the client site 120. Figure 1 also includes one or more devices. (Par. 45; Figure 1). Figure 2A includes checker software 226 that monitors a device and communicates with informer engine 222 to receive additional information regarding the device and interfaces with agents located within various devices. (Par. 47; Figure 2A). Figure 2B depicts more detail of CAS server 106. Included in 106 is a secondary storage device 256 containing an expert rules database 263 which is used to determine potential courses of action once tickets are received. (Par. 52; Figure 2B). The RMS server sends information regarding the non-responding service or network traffic report to the NOS as a ticket. (Par. 39). An agent may monitor device 124 instead of checker software monitoring the device. The checker software may communicate with the agent 326 o retrieve "health" information of the device 124. (Par. 101). RMS server 122 may communicate with agent 326 by sending commands to checker software 226 that communicates with agent 326. RMS server may communicate with checker software 226 (which in turn communicates with agent 326). For example, checker software 226 may transmit commands to start and/or stop agent 326. Also, checker software 226 may transmit information to agent 326 to update the agent, modify the agent's behavior, or delete the agent. (Par. 102).

Varga relates in general to vending machines and more particularly to vending machines incorporating electronic circuitry for monitoring information with respect to the number and type of goods dispensed, remote network communicating means for transmitting such information to a remote location, and means for analysis of such information to improve the efficiency of inventory maintenance. (Col. 1, Lines 17-24). Varga is cited on page 3 of the Office Action as support for disclosing use of a one-way communication for sending monitoring data to a data collecting site. (See Col. 6, Lines 45-50).

Applicant's Claim 121 is neither disclosed nor suggested by the references, taken separately or in combination, in that the references neither disclose nor suggest ***a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection***, as set forth in Claim 121. Kronenberg discloses using agents on devices and using checker software included in an RMS server. The checker software on the RMS server issues commands to the agent, and information is also reported by the agent to the RMS server. Thus, Kronenberg discloses using two-way communications between the agent and the checker software in contrast to the one-way communication connection, as set forth in amended Claim 121.

As support for disclosing use of one-way communications for sending monitoring data to a data collecting site, page 3 of the Office Action cites to Varga (See Col. 6, Lines 45-50).

Applicant respectfully submits that one skilled in the art would not be motivated to combine Kronenberg and Varga due to the different problems and technical areas addressed in each reference. Varga relates to improved vending machine inventory maintenance (See Abstract; Col. 1, Lines 17-24) and, in contrast, Kronenberg relates to network monitoring systems. Kronenberg discloses monitoring network services, sensors, and devices. (Par. 37, 38). Kronenberg discloses devices which are network devices such as routers, servers, hubs, and serial devices. (Par 46). Nowhere in Kronenberg is there disclosure or suggestion of a non-network device such as a vending machine, as used in Varga. Additionally, Varga's teachings appear to be related to the inventory and status of vending machines, and not regarding network devices.

Furthermore, assuming for purposes of argument only, that one would be motivated to combine Kronenberg and Varga, Applicant respectfully submits that use of a one-way communication connection in Kronenberg's agent would render Kronenberg inoperable. Varga discloses generation of an alarm code if no communication is received from a vending machine at a remote processing center within a preset time period. Varga discloses that the foregoing permits use of one-way communications between the vending machine and the remote processing center rather than two-way communications. (See Col. 6, Lines 45-50). Paragraphs 101-103 of Kronenberg disclose use of an agent to monitor a device. The checker software communicates with the agent using two way communications. The checker software transmits commands to control the agent and the agent's behavior (e.g., start and stop). The checker software also receives information from the agent associated with the "health" of the device. Kronenberg cannot use one way communication between the agent and the checker software since Kronenberg appears to need two way communications to facilitate reporting of the agent.

In connection with the reporting of alarm codes in Varga, there does not appear a need to issue control commands to the vending machine to facilitate reporting. In contrast, Kronenberg discloses an arrangement in which the agent is controlled by commands from the checker software and the agent also reports monitoring information. Applicant respectfully submits that the agent in Kronenberg would be rendered inoperable if it did not also receive and execute control commands. As such, the agent in Kronenberg cannot possibly utilize a one-way communication connection since the agent both receives commands and reports monitored information.

Applicant respectfully submits that claims that depend from Claim 121 are neither disclosed nor suggested by the references for at least those reasons set forth above regarding Claim 121. However, the references also neither disclose nor suggest features set forth in claims that depend from Claim 121.

The Office Action at page 3 states that Kronenberg discloses features set forth in dependent Claims 125-127 and cites par. 38 of Kronenberg as support. Par. 38 of Kronenberg states that agents may be associated with a device being monitored. Par. 102 of Kronenberg also states that checker software controls operation of the agent on the device. Applicant's Claim 125 recites ... ***wherein a plurality of agents execute on said first computer system monitoring said first computer system***, and Applicant's amended Claim 126, which depends from Claim 125, recites ... ***wherein said plurality of agents execute on said first computer system being monitored and said plurality of agents includes a master agent and other agents performing a predetermined set of monitoring tasks, said master agent controlling execution of said other agents.*** Applicant respectfully submits that the foregoing citations of Kronenberg neither

disclose nor suggest at least the features set forth in Claim 126, and claims that depend therefrom, in which a plurality of agents (including a master agent controlling execution of the other agents) execute on the first computer system being monitored. Rather, Kronenberg teaches controlling execution of the agents on the device using checker software executing on the RMS server rather than the device. Applicant respectfully submits that Par. 102 of Kronenberg teaches away from the features of Claim 126 by controlling the agent using checker software not on the same system.

The Office Action on page 4 states that Kronenberg discloses the features recited in Claims 132-33 and cites as support par. 52. Par. 52 discloses an expert rule database used to determine potential courses of action once tickets are received. Applicant's amended Claim 132 recites ... ***wherein said second agent reports on network activity in accordance with a set of rules, said rules including at least one rule indicating events that are normal activity in a business network are flagged as suspicious in said industrial network.*** Applicant respectfully submits that Claim 132 recites at least one rule ***indicating events that are normal activity in a business network are flagged as suspicious in said industrial network***. Kronenberg appears to neither disclose nor suggest such a rule. Applicant respectfully submits that Claim 132 recites features regarding what an agent reports, rather than processing of the report once received from the agent, as in the foregoing disclosure of Kronenberg. The foregoing recited portion of Kronenberg operates on the tickets once received rather than in connection with creating or generating a ticket. Accordingly, Kronenberg neither discloses nor suggests the features set forth in Claims 132-133.

For reasons similar to those set forth regarding Claim 121, Applicant's Claim 142 is also neither disclosed nor suggested by the references in that the references neither disclose nor suggest ***a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection,*** as set forth in Claim 142.

In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

The rejection of Claims 128, 134-40, 149, and 155-161 under 35 U.S.C. 103(a) as being unpatentable over Kronenberg and Varga and further in view of Schlossberg (U.S. Patent Publication No. 2002/00660034, hereinafter "Schlossberg") is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 128, 134-40, 149, and 155-161 are patentable over the cited references.

Claims 128 and 134-140 depend from Claim 121, and Claims 149, 155-161 depend from Claim 142. For reasons set forth above, independent Claims 121 and 142, and all claims that depend therefrom, are neither disclosed nor suggested by Kronenberg and Varga. For reasons set forth below, Applicant respectfully submits that combining Kronenberg and Varga with Schlossberg also neither discloses nor suggests Claims 121 and 142, and claims that depend therefrom.

The Office Action on page 5 cites Schlossberg as support for disclosing a network security system for detecting and handling network attacks.

Applicant's Claim 121 is neither disclosed nor suggested by the references, taken separately or in combination, in that the references neither disclose nor suggest ***a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection***, as set forth in Claim 121. For at least the reasons set forth above, Kronenberg and Varga neither disclose nor suggest at least the foregoing recited features of Claim 121. Schlossberg appears silent regarding any disclosure or suggestion of the foregoing features of Claim 121. Thus, combining Kronenberg and Varga with Schlossberg does not overcome the deficiencies of Kronenberg and Varga with respect to Claim 121. Accordingly, the references neither disclose nor suggest Claim 121.

For reasons similar to those set forth regarding Claim 121, Applicant's Claim 142 is also neither disclosed nor suggested by the references, taken separately or in combination, in that the references neither disclose nor suggest ***a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection,*** as set forth in Claim 142.

Applicant respectfully submits that newly added Claims 177-188 are also patentable over the cited art.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8604.

Respectfully submitted,
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